

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
OFFICE OF PETITIONS

SEP 22 2008

Applicant: Jones, Theodore D. Art Unit 3765  
Serial No.: 10/799,805 Examiner: Lindsey,  
Rodney M.  
Filing Date: 3/12/2004 Docket: HE1.001  
Title: HEADGEAR HAVING ROTATABLE LIGHT ASSEMBLY

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.118(a)

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September 22, 2008

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Office of Petitions  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sent by Facsimile Transmission to: 571.273.8300

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Dear Madam or Sir:

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I am the Attorney of Record for the above  
referenced case, but I never received any of the  
correspondence in this case. I know this because the USPTO's  
records, available over the PAIR system, show that the  
correspondence in the above referenced case was not sent to  
me, due to the transcription of an illegible customer number  
on a CHANGE OF CORRESPONDENCE ADDRESS Application that was  
poorly transmitted by facsimile.

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On December 17, 2004 my office sent a CHANGE OF CORRESPONDENCE ADDRESS Application to the USPTO by facsimile transmission. Unfortunately, two of the pages of this transmission were compressed into one. As a result, the  
5 customer numbers listed were illegible. Although one of the numbers was read correctly by USPTO personnel, the other rendering of the same customer number, on the same received page, was misread by a single digit. As a result, all of the correspondence in this case was sent to one Annette Kaechele  
10 of Elberta, Alabama. Although some of this correspondence was returned unopened to the USPTO, nobody checked to see if there was any relationship between the Attorney of Record, myself, and the customer number.

In July of 2007, in anticipation of moving my  
15 office to the State of Washington, I had my assistant make a comparison of our internal list of pending applications, and the list shown as associated with my customer number on private pair. On July 25, we filed a paper with the USPTO to have the correspondence address of these applications changed  
20 to my customer number. The present application was in this list, but nobody at the USPTO notified me that we had changed the correspondence address of an abandoned application.

On September 19, 2008, I checked the status of the present application on Private PAIR and was shocked to learn  
25 that it had gone abandoned in 2006. I have previously had cases in which a long time passed before I received the first Office Action, typically because of changes in personnel at the USPTO resulting in the application being reassigned many times. It had not occurred to me that the correspondence for  
30 the case could have been sent elsewhere.

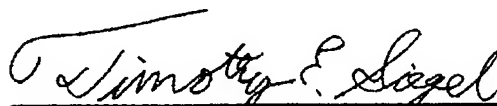
Accordingly, petitioner respectfully petitions that the holding of abandonment be withdrawn from the above referenced case. The practitioner's reading of the relevant portions of the Manual of Patent Examining Procedure did not

appear to indicate that it is necessary to submit a response  
to the most recent Office Action at this time. If this  
reading is correct, petitioner will submit a response after  
this case is reinstated. Otherwise, I hope that the Petitions  
5 Office will be willing to inform me of this requirement and  
provide me with an opportunity of submitting a response to  
the latest Office Action, before deciding the petition.

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Respectfully submitted,

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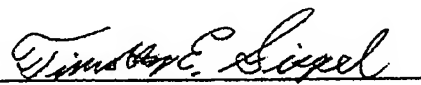
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

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I hereby certify that this correspondence is being sent  
via facsimile to the United States Patent and Trademark  
Service at fax no. 571-273-8300 on September 22, 2008.

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Signed:   
Timothy E. Siegel

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